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\*E-filed 8/23/06\*

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE VENUE

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 vs.  
14 JON R. DOYLE,  
15 Defendant.

Case No. CR-05-00199 HRL  
STIPULATION AND ORDER  
CONTINUING SENTENCING  
HEARING  
Crim. L.R. 32-2  
[No Hearing Requested]

17 STIPULATION

18 Pursuant to Criminal Local Rule 32-2, Jon R. Doyle requests that the court continue the  
19 sentencing hearing to November 30, 2006 at 9:30 a.m.

20 Good cause exists to continue this hearing. Last month E-brary's vice president and general  
21 counsel met with the defendant to resolve restitution. Progress was made in reaching a resolution of  
22 the restitution issue. However, the parties were not able to come to a final agreement. Recently the  
23 parties exchanged documents regarding restitution in an attempt to narrow the issues. The parties  
24 are attempting to schedule another meeting in mid September. E-brary's general counsel and  
25 defense counsel plan to agree on another meeting date sometime next week. The parties were  
26 unable to set a new date earlier. All parties believe that resolving restitution prior to sentencing will  
27 preserve judicial resources and allow the sentencing to proceed without the necessity of a drawn out  
28 hearing on that issue. Therefore, it is necessary to continue the sentencing hearing to resolve the

1 restitution issue. Additionally, continuing the sentencing hearing to November 30, 2006 will allow  
2 the probation officer adequate time to incorporate the restitution resolution into the Pre-sentence  
3 Report.

4 1. On August 18, 2006, I discussed the reasons for seeking a continuance of the  
5 sentencing hearing and the proposed hearing date of November 30, 2006, with  
6 Assistant United States Attorney Shashi H. Kewalranani. Mr. Kewalranani does not  
7 object to the stipulation and continued hearing date.

8 2. On August 18, 2006, I had a follow-up discussion with Assistant Probation Officer  
9 J.D. Woods about seeking a continuance of the sentencing hearing and the proposed  
10 hearing date of November 30, 2006. Mr. Woods does not object to the stipulation  
11 and continued hearing date. Mr. Woods advised me that due to his schedule he  
12 requests that the matter be continued to a November date rather than October.

13 3. On August 18, 2006, my secretary confirmed with the Courtroom Deputy Clerk that  
14 November 30, 2006 at 9:30 a.m. is available as a sentence hearing date.

15 I declare under penalty of perjury under the laws of the United States of America that the  
16 foregoing is true and correct and that this document was executed on the 22<sup>nd</sup> day of August 2006 at  
17 San Jose, California.

18 BERLINER COHEN

19 20 By /s/Christian E. Picone

21 FRANK R. UBHAUS  
22 CHRISTIAN E. PICONE  
23 ATTORNEYS FOR JON R. DOYLE

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1 I approve of the above Stipulation.  
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3 Dated: August 22, 2006  
4

5 KEVIN D. RYAN  
6 UNITED STATES ATTORNEY  
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8 By /s/Shashi H. Kewalranani  
9 SHASHI H. KEWALRANANI  
10 ASSISTANT UNITED STATES  
11 ATTORNEY  
12

13 **ORDER**  
14

15 Based on the foregoing stipulation and good cause appearing therefore, it is hereby ordered  
16 that the sentencing hearing scheduled for Thursday, September 28, 2006 is vacated and this matter is  
17 continued for a sentencing hearing on Thursday, November 30, 2006 at 9:30 a.m.  
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19 Dated: August 23 , 2006  
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21   
22 HOWARD R. LLOYD  
23 UNITED STATES MAGISTRATE JUDGE  
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